

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 11/7/2013

Action Requested By:
Legal

Agenda Item Type
Resolution

Subject Matter:

Invoke letter of credit.

Exact Wording for the Agenda:

Resolution authorizing the Clerk-Treasurer to invoke PNC Bank Letter of Credit No. 18799559 for Cross Creek Phase III Subdivision.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: 10-29-13

RESOLUTION NO. 13-_____

WHEREAS, PNC Bank issued a certain letter of credit (No. 18799559), a copy of which is attached hereto and incorporated herein by reference, including any amendments thereto, in favor of the City of Huntsville, Alabama pursuant to Article 5 of the Subdivision Regulations for the City of Huntsville, Alabama; and

WHEREAS, the letter of credit is due to be invoked and the proceeds used in accordance with said subdivision regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the City of Huntsville Clerk-Treasurer be and is hereby authorized to present for payment to PNC Bank Letter of Credit No. 18799559, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 7th day of November, 2013.

President of the City Council
of the City of Huntsville,
Alabama

APPROVED this the 7th day of November, 2013.

Mayor of the City of
Huntsville, Alabama



Carm Creek III
Sidernik

DATE: MARCH 15, 2012

CITY OF HUNTSVILLE
PO BOX 308
HUNTSVILLE, AL 35801

EFFECTIVE AT THE END OF THE DAY ON MARCH 2, 2012, RBC BANK USA WAS MERGED INTO PNC BANK, NATIONAL ASSOCIATION. YOU ARE THE BENEFICIARY OF THE LETTER OF CREDIT ISSUED BY RBC BANK USA THAT IS REFERENCED IN THE ATTACHED AMENDMENT.

THE LETTER OF CREDIT IS BEING AMENDED TO REFLECT SEVERAL CHANGES REGARDING YOUR LETTER OF CREDIT. PLEASE REVIEW THE ATTACHED AMENDMENT CAREFULLY AND NOTE THAT THE ISSUING BANK'S NAME, PLACE OF PRESENTATION AND THE LETTER OF CREDIT NUMBER ARE BEING AMENDED.

AFTER YOUR REVIEW, PLEASE SIGN THE ATTACHED CONSENT TO THE AMENDMENT AND RETURN IT TO PNC BANK, NATIONAL ASSOCIATION, 500 FIRST AVENUE, 2ND FLOOR, P7-BFSC-02 T, ATTN: STANDBY LETTER OF CREDIT DEPARTMENT, PITTSBURGH, PA 15219. IF YOU HAVE ANY QUESTIONS, PLEASE CALL OUR CUSTOMER SERVICE NUMBER AT 1-800-682-4689 AND CHOOSE OPTION 2 (STANDBY LETTER OF CREDIT) AND OPTION 2 AGAIN (CUSTOMER SERVICE).

PLEASE NOTE THE REFERENCED AMENDMENT IS TO BE CONSIDERED AS PART OF THE ORIGINAL LETTER OF CREDIT AND MUST BE ATTACHED THERETO.

WE LOOK FORWARD TO SERVING YOUR LETTER OF CREDIT NEEDS IN THE FUTURE.

SINCERELY,

PNC BANK, NATIONAL ASSOCIATION


AUTHORIZED SIGNATURE

M 6-25-12
W

MS
6/27/12

OK ref



DATE: JUNE 21, 2012

CITY OF HUNTSVILLE
PO BOX 308
HUNTSVILLE, AL 35801

AMENDMENT TO IRREVOCABLE STANDBY LETTER OF CREDIT

PNC BANK NEW REFERENCE NUMBER:	18799559-00-000
APPLICANT:	NORTHBROOK LLC
CURRENT AVAILABLE AMOUNT:	\$63,120.00
EXPIRY DATE:	NOVEMBER 22, 2013
EXPIRY PLACE:	OUR COUNTERS

EFFECTIVE MARCH 3, 2012, IRREVOCABLE STANDBY LETTER OF CREDIT SB005357
ISSUED BY RBC BANK USA IS AMENDED AS FOLLOWS:

THE ISSUING BANK IS NOW TO READ PNC BANK, NATIONAL ASSOCIATION

DRAFTS, IF REQUIRED BY THE EXISTING TERMS OF THE LETTER OF CREDIT, MUST
NOW BE DRAWN ON PNC BANK, NATIONAL ASSOCIATION AND REFERENCE OUR LETTER
OF CREDIT NO. 18799559-00-000

RE: ARTICLE 5 SIDEWALK/LETTER OF CREDIT FOR CROSS CREEK - PHASE III, A
RESUBDIVISION OF DOCUMENT #20060201000068540 AND ALSO BEING A
RESUBDIVISION OF AN UNNAMED PARCEL AS SHOWN ON THE PLAT OF CROSS CREEK
PHASE I AS RECORDED IN THE JUDGE OF PROBATE OFFICE IN DOCUMENT
#20080206000077620, MADISON COUNTY, ALABAMA

THIS LETTER OF CREDIT IS NOW AVAILABLE FOR PAYMENT AT THE COUNTERS OF
PNC BANK, NATIONAL ASSOCIATION LOCATED AT 500 FIRST AVENUE, 2ND FLOOR,
P7-PFSC-02-T, ATTN: STANDBY LETTER OF CREDIT DEPARTMENT, PITTSBURGH, PA
15219.

DOCUMENTS MAY BE PRESENTED ON OR BEFORE THE EXPIRATION DATE AT EITHER OF THE
FOLLOWING:

PNC BANK, NATIONAL ASSOCIATION
500 FIRST AVENUE, 2ND FLOOR

P7-PFSC-02-T

PITTSBURGH, PA 15219

ATTN: STANDBY LETTER OF CREDIT DEPT.

PNC Bank, National Association
Global Trade Service Operations
Customer Service 1-800-682-4669



OR

PNC BANK, NATIONAL ASSOCIATION
100 CHURCH STREET, 3RD FLOOR
HUNTSVILLE, AL 35801

ATTENTION: BRANCH MANAGER OR SALES AND SERVICES MANAGER

ALL REFERENCES IN THE LETTER OF CREDIT TO THE ISSUING BANK SHOULD NOW
READ PNC BANK, NATIONAL ASSOCIATION

ALL REFERENCES IN THE LETTER OF CREDIT TO THE LETTER OF CREDIT NUMBER
SHOULD NOW READ 18799559-00-000

PLEASE SIGNIFY YOUR CONSENT TO THIS AMENDMENT BY SIGNING THE ATTACHED
COPY OF THIS AMENDMENT AND RETURNING THE SAME DIRECTLY TO US BY MAIL TO
OUR ADDRESS AT 500 FIRST AVENUE, 2ND FLOOR, P7 PFSC 02-T, ATTN: STANDBY
LETTER OF CREDIT DEPARTMENT, PITTSBURGH, PA 15219. YOUR IMMEDIATE
ATTENTION TO THIS MATTER IS REQUIRED IN ORDER THAT WE MAY COMPLETE OUR
RECORDS.

ALL OTHER CONDITIONS REMAIN UNCHANGED.

A handwritten signature in cursive script, appearing to read 'Lisa Sikorski', written over a horizontal line.

PNC BANK, NATIONAL ASSOCIATION
GLOBAL TRADE SERVICE OPERATIONS



IN REFERENCE TO AMENDMENT UNDER PNC BANK LETTER OF CREDIT NUMBER
18799559-00-000

☒ WE HEREBY CONSENT TO THE TERMS AND CONDITIONS OF THIS AMENDMENT

☐ WE HEREBY DO NOT CONSENT TO THE TERMS AND CONDITIONS OF THIS
AMENDMENT

WE FURTHER CERTIFY THAT THE UNDERSIGNED IS AUTHORIZED TO EXECUTE THIS
AGREEMENT

CITY OF HUNTSVILLE

BY:

Charles S. Hayward

DATE:

6/27/2012



RBC Bank™

ON KCA
12/12/11

OK
CEH
12/27/11

International Services - Standby L/C Unit
200 Providence Rd., 3rd Floor
Charlotte, NC 28207
S.W.I.F.T.: CNTAUS33
Tel.: 704-686-1467 or 704-686-1194
Fax: 704-686-1498
Toll-free: 1-800-938-6299

Issue Date: November 22, 2011

Expiry Date: November 22, 2013

Irrevocable Standby Letter of Credit Number SB005357

Beneficiary:

City of Huntsville
PO Box 308
Huntsville, AL 35801

MS
12/12/11

Applicant:

Northbrook LLC
2404 Commerce Court
Huntsville, AL 35801

Re: Article 5 Sidewalk/Letter of Credit for Cross Creek - Phase III, A Resubdivision of Document #20060201000068540 & also being a Resubdivision of an unnamed parcel as shown on the plat of Cross Creek Phase I as recorded in the Judge of Probate Office in Document #20080206000077620, Madison County, Alabama

We hereby open our Irrevocable Standby Letter of Credit referenced above in your favor, as Beneficiary effective November 22, 2011, for the account of the above referenced Applicant up to the aggregate amount of \$63,120.00 (Sixty Three Thousand One Hundred Twenty and 00/100 United States Dollars) available by payment of your draft(s) drawn at sight on us when accompanied by:

A signed statement by a representative of the City of Huntsville, Alabama reading: "This draw is being made pursuant to Article 5 of the Subdivision Regulations."

We hereby agree with you that all draft(s) drawn under and in compliance with the terms and conditions shall be duly honored by us when presented, along with the required documentation and the original of this letter of credit, at our office located at 200 Providence Road, Suite 300, Charlotte, NC 28207 OR 1470 Perimeter Parkway NW, Huntsville, AL 35806 on or before the above stated expiry date.

Draft(s) drawn hereunder must state on their face "drawn under RBC Bank (USA) letter of credit number SB005357".

This Letter of Credit is subject to/and governed by the laws of the State of Alabama and the International Standby Practices ("ISP98"), International Chamber of Commerce (Publication No. 590) and in the event of any conflict, the Laws of the State of Alabama will control.

Sincerely,

RBC Bank (USA)

Glenda A. Martin

Authorized Signature

Chaise D. Niver

Authorized Signature